

Commonwealth of Massachusetts
HAMPDEN SUPERIOR COURT
Case Summary
Civil Docket

08/15/2005
01:07 PM

HDCV2005-00677
Behaylo v Top-Flite Golf Company

File Date	07/08/2005	Status	Disposed: transferred to other court (dtrans)	
Status Date	08/03/2005	Session	B - Civil B - CtRm 5	
Origin	1	Case Type	B22 - Employment Discrimination	
Lead Case		Track	F	
05 CV 30178-MAP				

Service	10/06/2005	Answer	12/05/2005	Rule 12/19/20	12/05/2005
Rule 15	12/05/2005	Discovery	05/04/2006	Rule 56	06/03/2006
Final PTC	07/03/2006	Disposition	09/01/2006	Jury Trial	Yes

PARTIES

Plaintiff
Michael Behaylo
Active 07/08/2005

Private Counsel 069660
Maurice M Cahillane
Egan Flanagan & Cohen
67 Market Street
PO Box 9035
Springfield, MA 01102-9035
Phone: 413-737-0260
Fax: 413-737-0121
Active 07/08/2005 Notify

Defendant
Top-Flite Golf Company
Served: 07/14/2005
Served (answr pending) 07/18/2005

Private Counsel 405760
Jay M Presser
Skoler Abbott & Presser PC
1 Monarch Place
Suite 2000
Springfield, MA 01144
Phone: 413-737-4753
Fax: 413-787-1941
Active 08/03/2005 Notify

ENTRIES

Date	Paper	Text
07/08/2005	1.0	Complaint & civil action cover sheet filed
07/08/2005		Origin 1, Type B22, Track F.
07/18/2005	2.0	SERVICE RETURNED: Top-Flite Golf Company(Defendant).
08/03/2005	3.0	Petition for Removal -- Case REMOVED this date to US District Court of Massachusetts.

EVENTS



A TRUE COPY
OF THE DOCKET MINUTES:
IN WITNESS WHEREOF, I hereunto
set my hand, and have caused the seal
of the Superior Court for the County
of Hampden to be affixed on this
15th day of August, 2005
Karen Spindler
Deputy Assistant Clerk

TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED:
 (TORT - MOTOR VEHICLE TORT - CONTRACT - EQUITABLE RELIEF - OTHER

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN COUNTY
 SUPERIOR COURT
FILED

JUL 18 2005

SUPERIOR COURT
 DEPARTMENT OF THE TRIAL COURT
 CIVIL ACTION
 NO. 05-677

HAMPDEN, ss.

MICHAEL BEHAYLO

Marie G. Maggza
 CLERK-MAGISTRATE

PLAINTIFF(S)

V.

SUMMONS

TOP-FLITE GOLF COMPANY, DEFENDANT(S)

To the above named defendant: Top-Flite Golf Company
 You are hereby summoned and required to serve upon

Maurice M. Cahillane, Esq., plaintiff's attorney, whose address is
67 Market St., Springfield, MA, an answer to the complaint which is herewith served upon
 you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do
 so, judgment by default will be taken against you for the relief demanded in the complaint. You are also
 required to file your answer to the complaint in the office of the Clerk of this court at Springfield either before
 service upon the plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by rule 13(a), your answer must state as a counterclaim any claim which
 you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter
 of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Barbara J. Rouse, Esq., at Springfield the 14th day of
July in the year of our Lord two thousand five.

Marie G. Maggza
 Clerk / Magistrate

NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all such defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

A true copy:

Attest:

Karen Spindler
 Deputy Assistant Clerk



NOTICE TO DEFENDANT -- You need not appear personally in court to answer the complaint, but if you claim to have a defense,
 either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the
 Clerk's office.

PROOF OF SERVICE OF PROCESS

I hereby certify and return that on 7/14, 2005, I served a copy of the within summons, together with a copy of the original complaint, in this action, upon the within named defendant, in the following manner (See Mass. R. Civ. P. 4 (d)(1-5):

Accepted For Service of Process

By: [Signature]
Jay M. Presser, Esq.
For Top-Flite Golf Company

Dated: July 15, 2005

N.B. TO PROCESS SERVER:

PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS BOX ON THE ORIGINAL AND ON THE COPY SERVED ON DEFENDANT.

(
(, 2005)
)



A true copy:

Attest:

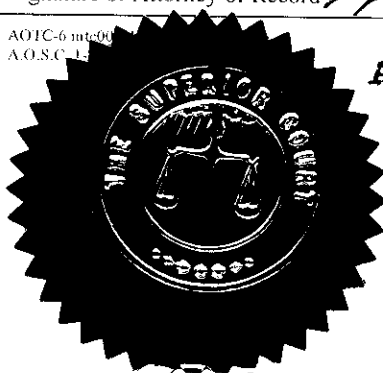
Assistant Clerk

CLERKS OFFICE
SUPERIOR COURT
HAMPDEN COUNTY
2005 JUL 18 A 11: 27

CIVIL ACTION COVER SHEET		Docket No.(s) 05- 677	Trial Court of Massachusetts Superior Court Department County: Hampden	
PLAINTIFF(S) MICHAEL BEHAYLO		DEFENDANT(S) TOP-FLITE GOLF COMPANY, .		
ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE Maurice M. Cahillane, Esq. Egan, Flanagan and Cohen, P.C. 67 Market Street Springfield, MA 01103 Tel: 413-737-0260 Board of Bar Overseers Number: 069660		ATTORNEY (if known) Jay M. Presser, Esq. Skoler, Abbott & Presser One Monarch Place Springfield, MA 01144		
Origin code and track Destination				
Place an x in one box only:				
<input checked="" type="checkbox"/> 1. F01 Original Complaint		<input type="checkbox"/> 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial)		
<input type="checkbox"/> 2. F02 Removal to Sup.Ct. C.231, s.104 (Before trial) (F)		<input type="checkbox"/> 5. F05 Reactivated after rescript; relief from judgment/Order		
<input type="checkbox"/> 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)		<input type="checkbox"/> 6. E10 Summary Process Appeal (X)		
TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)				
CODE NO. B22	TYPE OF ACTION (specify) Employment Discrimination	TRACK (F)	IS THIS A JURY CASE? (X) Yes () No	
The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this				
TORT CLAIMS (Attach additional sheets as necessary)				
A. Documented medical expenses to date:				
1. Total hospital expenses				\$
2. Total Doctor expenses				\$
3. Total chiropractic expenses				\$
4. Total physical therapy expenses				\$
5. Total other expenses (describe)				\$
Subtotal				\$
B. Documented lost wages and compensation to date				
C. Documented property damages to date				
D. Reasonably anticipated future medical and hospital expenses				
E. Reasonably anticipated lost wages				
F. Other documented items of damages (describe)				
G. Brief description of plaintiff's injury, including nature and extent of injury (describe)				
TOTAL				\$
CONTRACT CLAIMS				
Provide a detailed description of claim(s):				
TOTAL				\$
PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT				
"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."				
Signature of Attorney of Record <i>Maurice Cahillane</i>			DATE: July 7, 2005	

AOTC-6 mtc00
A.O.S.C. 13**A true copy:**

12074-050132/94062.wpc

Attest:

Karen Spindler
Deputy Assistant Clerk

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE TRIAL COURT

HAMPDEN, ss

Superior Court Division
Civil Action No. 05-677

MICHAEL BEHAYLO,)
Plaintiff)
vs.)
TOP-FLITE GOLF COMPANY)
Defendants)

HAMPDEN COUNTY
SUPERIOR COURT
FILED
JUL - 8 2005
Marie Magga
CLERK-MAGISTRATE

COMPLAINT AND DEMAND FOR JURY TRIAL

1. The plaintiff, Michael Behaylo, is a natural person residing at 8 Westernview Road, Holyoke, Hampden County, Massachusetts.
2. The defendant, Top-Flite Golf Company, is a Delaware corporation with a principal place of business at 425 Meadow Street, Chicopee, Hampden County, Massachusetts.
3. The plaintiff was employed by the defendant, Top-Flite Golf Company, as a senior cost accountant for five years until his termination on April 15, 2004. The plaintiff was informed that he was being laid off as a result of a downsizing of the work force. He was 48 years old at the time. The plaintiff performed his job well and within his employer's expectations.
4. The plaintiff later discovered that he had been replaced by an individual in her 20's.
5. At the same time, the four oldest employees in plaintiff's department were also let go.

No. of Pgs. One
 Fee Paid - \$ 240.- Cash ☒ Check ☐
 Surcharge Paid - \$ 15.- Cash ☒ Check ☐
 Security Fee - Paid - \$ 20.- Cash ☒ Check ☐
 Received by MEB

6. Subsequently, the CEO of Top-Flite, Robert Penicka, made a public statement to the effect that he had created a younger management team by design.
7. The plaintiff was terminated because of his age.

COUNT I

8. The plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 7.
9. The defendant's actions violated 29 U.S.C., Section 626 (the Age Discrimination in Employment Act) by terminating the plaintiff because of his age. The actions of the defendant were intentional and willful.

WHEREFORE, the plaintiff prays that:

- a. That judgment be entered in his favor;
- b. That he be reinstated and awarded full compensatory damages;
- c. That he be awarded liquidated damages;
- d. That he be awarded attorneys fees, interest and costs.
- e. That the court grant such other relief as it deems just.

COUNT II

10. The plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 9.
11. Defendants violated General Laws Chapter 151B, Section 4, by terminating the plaintiff because of his age. The actions of the defendant were intentional and willful.

WHEREFORE, the plaintiff prays that:

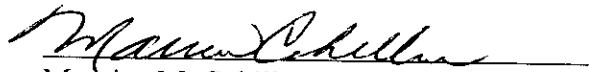
- a. That judgment be entered in his favor;

- b. That he be reinstated and awarded full compensatory damages;
- c. That he be awarded multiple damages;
- d. That he be awarded attorneys fees, interest and costs.
- e. That the court grant such other relief as it deems just.

PLAINTIFF DEMANDS A TRIAL BY JURY.

THE PLAINTIFF, MICHAEL BEHAYLO
BY HIS ATTORNEY

Dated: 7/18/05



Maurice M. Cahillane, Esq., BBO# 069660
EGAN, FLANAGAN AND COHEN, P.C.
67 Market Street - Post Office Box 9035
Springfield, MA 01102
(413) 737-0260; Fax: (413) 737-0121

11638-040587\92665.wpd



A true copy:

Attest:


Deputy **Assistant Clerk**